

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

SEP 05 2006
at 3 o'clock and 59 min. P M
SUE BEITIA, CLERK

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

PARADISE CRUISE LIMITED,	)	CIVIL NO. CV04-00364 ACK/BMK
)	
Plaintiff,	)	NOTICE OF HEARING MOTION;
	)	PLAINTIFF'S NOTICE OF
vs.	)	SETTLEMENT WITH ACORDIA
	)	NORTHWEST, INC. AND
MICHAEL ELSE AND COMPANY	)	PETITION FOR DETERMINATION
LTD.; GREAT LAKES	)	OF GOOD FAITH SETTLEMENT;
REINSURANCE (UK) PLC, dba	)	MEMORANDUM IN SUPPORT OF
TRANSMARINE; LLOYD'S OF	)	MOTION; DECLARATION OF
LONDON; LLOYD'S	)	ELISE OWENS THORN; EXHIBIT
UNDERWRITERS; ACORDIA	)	"A"; [PROPOSED] ORDER
NORTHWEST, INC.; AON RISK	)	CONFIRMING GOOD FAITH
SERVICES, INC. OF OHIO,	)	SETTLEMENT; CERTIFICATE OF
	)	SERVICE
Defendants.)	
	)	Date: _____
)	Time: _____
)	Judge: Barry M. Kurren
_____)	

NOTICE OF HEARING MOTION

TO: JAMES D. BOUGHEY, ESQ.
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Attorneys for Defendant
AON Risk Services, Inc. of Ohio

NOTICE IS HEREBY GIVEN that the above identified Notice of Settlement with Acordia Northwest, Inc. and Petition for Determination of Good Faith Settlement shall come on for hearing before the Honorable Barry M. Kurren, Magistrate Judge of the above-entitled court, in his courtroom at 300 Ala Moana Boulevard, Honolulu, Hawaii, at _____.m. on _____, 2006, or as soon thereafter as counsel can be heard.

DATED: Honolulu, Hawaii, September 5, 2006.



ROBERT E. CHAPMAN
JOHN R. MYRDAL
ELISE OWENS THORN
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

PARADISE CRUISE LIMITED,)	CIVIL NO. CV04-00364 ACK/BMK
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Plaintiff,)	PLAINTIFF'S NOTICE OF
)	SETTLEMENT WITH ACORDIA
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)	PETITION FOR DETERMINATION
MICHAEL ELSE AND COMPANY)	OF GOOD FAITH SETTLEMENT
LTD.; GREAT LAKES)	
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TRANSMARINE; LLOYD'S OF)	
LONDON; LLOYD'S)	
UNDERWRITERS; ACORDIA)	
NORTHWEST, INC.; AON RISK)	
SERVICES, INC. OF OHIO,)	
)	
Defendants.)	
_____)	

PLAINTIFF'S NOTICE OF SETTLEMENT
WITH ACORDIA NORTHWEST, INC. AND
PETITION FOR DETERMINATION OF GOOD FAITH SETTLEMENT

Plaintiff Paradise Cruise Limited ("Paradise), by and through its attorneys, Clay Chapman Crumpton Iwamura & Pulice, hereby petitions this Court for an order determining that the settlement reached by Plaintiff and Defendant Acordia Northwest, Inc. ("Acordia") was given in good faith within the meaning of Haw. Rev. Stat. § 663-15.5 (Supp. 2003), as amended by 2003 Haw. Sess. Laws Act 146, §1.

Because the terms of the settlement are to remain confidential, the Settlement Agreement and Release (hereinafter the "Settlement") memorializing those terms is submitted under seal as Exhibit "A".

Pursuant to Section 663-15.5, Paradise requests that this Court enter an order as follows:

1. Determining and finding that the Settlement between Paradise and Acordia was reached in good faith;
2. Determining and finding that Paradise has given proper written notice to all known alleged joint tortfeasors and alleged co-obligors in this action;
3. Determining and finding that the Settlement discharges Acordia from all liability for any contribution to any co-obligor, and bars any co-obligor from any further claims against Acordia; and
4. Dismissing with prejudice all cross-claims against Acordia.

This Petition is supported by the memorandum and declaration attached hereto and the records and files heretofore compiled in this matter.

DATED: Honolulu, Hawaii, September 5, 2006.



ROBERT E. CHAPMAN
JOHN R. MYRDAL
ELISE OWENS THORN
Attorneys for Plaintiff